IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
WRIT PETITION NO.2843 OF 2006

Mr.Bharat Vora. .. .. Petitioner
v/s.
The Union of India & ors. .. Respondents

Mr.Manoj Sanklecha i/by India Law Alliace for petitioner.
Mr.Ashok Bhateja with mr.B.D.Joshi for respondents.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 16th November 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. The petitioner herein is a proprietor of a Concern which is engaged in the import of plastic raw material. It is alleged that the petitioner has violated certain provisions of Foreign Exchange Regulation Act. The proceedings were conducted and an order dated 28th August 2003 came to be passed against the petitioner imposing a penalty of Rs.14 Lakhs. This order is annexed at Exhibit-E to the Petition. A demand notice dated 15th December 2004 was thereafter served on the petitioner which is annexed at Exhibit-F to the Petition. Prayer (a) of this Petition seeks to challenge this order as well as the demand notice.

3. Subsequent to this demand notice, a notice has been issued to the petitioner by the Collector, Mumbai Suburban District under the Maharashtra Land Revenue Code asking him to arrange this payment, failing which the proceedings will be taken under Section 178 of the Maharashtra Land Revenue Code. This notice dated 2nd September 2006 is annexed at Exhibit-H to the Petition. Prayer (b) of this Petition seeks to challenge the order dated 28th August 2003, the demand notice dated 15th December 2004 and the Collector's Notice dated 2nd September 2006.

4. Mr.Bhateja appearing for the respondents has fairly informed the Court that he has been given written instructions by one Mr.R.C. Singh, Assistant Director from the Directorate of Enforcement. The written instructions are dated 16th November 2006 bearing outward No.T-10/44-B/2006. Under these instructions, the Counsel has been instructed to submit to the orders of the Court and that the Petition be granted.

5. In view of what is stated above, Rule on the Petition. Rule is made returnable forthwith. In view of what is stated by the respondents as well, Rule is made absolute in terms of prayer clause (a). No order as to costs.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)